

◇ RETURN DATE: JULY 21, 2015 : SUPERIOR COURT
KYLE HAMPTON : J.D. OF NEW HAVEN
V. : AT NEW HAVEN
CHIEF JOSEPH GAUDETTE, :
OFFICER DANIEL O'BRIEN, and :
CITY OF BRIDGEPORT : JUNE 15, 2015

COMPLAINT

COUNT ONE: COMMON LAW FALSE ARREST

1. At all relevant times herein, the Plaintiff, KYLE HAMPTON, was a resident of New Haven, Connecticut.
2. At all relevant times, the defendant, CITY OF BRIDGEPORT, was a municipality duly organized, incorporated, and chartered under and pursuant to the laws of the State of Connecticut.
3. At all relevant times herein, the defendant, JOSEPH GAUDETTE ("CHIEF GAUDETTE"), was employed by the CITY OF BRIDGEPORT as the Chief of Police for the City of Bridgeport Police Department ("Police Department"), and is sued in his official and individual capacities.
4. At all relevant times herein, the defendant, DANIEL O'BRIEN ("OFFICER O'BRIEN"), was employed by the CITY OF BRIDGEPORT as an officer for the Police Department, and is sued in his official and individual capacities.

5. At all relevant times herein, defendants, CHIEF GAUDETTE, and OFFICER O'BRIEN, were acting under color of state law, within the scope of their employment as police officers for the CITY OF BRIDGEPORT.
6. On or about March 11, 2014, at approximately 4:02 P.M., the Plaintiff was in his dorm room at the University of Bridgeport (hereinafter "The University") located at 490 Waldemere Avenue "Seeley Hall", Room #233, Bridgeport, CT 06604.
7. At said time and place, the Police Department received a report of a firearm being concealed in a dormitory room on campus.
8. At said time and place, the Plaintiff did not have a firearm, and no contrary report was made to the Police Department.
9. At said time and place, the Defendant, OFFICER O'BRIEN, stormed into the dorm room from the entrance of the building.
10. At said time and place, when the Defendant approached the Plaintiff and was identified as a police officer, the Plaintiff complied with their commands.
11. At said time and place, the Defendant handcuffed, and detained the Plaintiff, while University Security searched his dorm room, discovering only a "'bowie' type knife."

12. Notwithstanding the Plaintiff's lawful right to not have his dorm room be illegally searched, the Defendant arrested the Plaintiff without probable cause to believe that he had committed the crimes of Interfering with Police and Breach of Peace in the Second Degree.

13. The criminal proceedings initiated by the Defendants against the Plaintiff were terminated in Plaintiff's favor on July 24, 2014 when all charges were dismissed by a Judge of the Connecticut Superior Court.

14. As a direct and proximate result of his false arrest, the Plaintiff suffered mental anguish, humiliation, embarrassment, shame, fear and damage to his reputation, as well as immediate expulsion from The University.

15. As a direct and proximate result of his false arrest, the Plaintiff was required to attend to his legal defense and lost time from his work and suffered damage.

COUNT TWO: CIVIL RIGHTS VIOLATION UNDER CONNECTICUT CONSTITUTION

1-15. Paragraphs One through Fifteen of Count One are hereby incorporated as paragraphs One through Eighteen of Count Two as if fully set forth herein.

16. Under Article First, Section 9 of the Connecticut Constitution, no person shall be arrested, detained or punished, except in cases clearly warranted by law.

17. The Plaintiff's arrest and detention without probable cause was not clearly warranted by law.

18. As a direct and proximate result of his false arrest, the Plaintiff suffered mental anguish, humiliation, embarrassment, shame, fear and damage to his reputation.

19. As a direct and proximate result of his false arrest, the Plaintiff was required to attend to his legal defense and lost time from his work and suffered damage.

COUNT THREE: MALICIOUS PROSECUTION

1-15. Paragraphs One through Fifteen of Count One are hereby incorporated as paragraphs One through Fifteen of Count Three as if fully set forth herein.

16. The Plaintiff's false arrest and prosecution without probable cause was motivated by malice and improper purposes.

17. As a direct and proximate result of the foregoing, the Plaintiff suffered mental anguish, humiliation, embarrassment, shame, fear and damage to his reputation.

18. As a direct and proximate result of the foregoing, the Plaintiff was required to attend to his legal defense and lost time from his work and suffered damage.

COUNT FOUR: SUPERVISORY LIABILITY

1-15. Paragraphs One through Fifteen of Count One are hereby incorporated as paragraphs One through Fifteen of Count Four as if fully set forth herein.

16-35. Paragraphs of Count Two are hereby incorporated as paragraphs Sixteen through Thirty-Five of Count Four as if fully set forth herein.

36-54. Paragraphs One through Eighteen of Count Three are hereby incorporated as paragraphs Thirty-Six through Fifty-Four of Count Four as if fully set forth herein.

55. At all times relevant herein, CHIEF GAUDETTE was properly certified to be a Police Officer and/or Chief of Police in the State of Connecticut.

56. At all times relevant herein, the CITY OF BRIDGEPORT acted by and through CHIEF GAUDETTE, who is a policymaker for law enforcement in the CITY OF BRIDGEPORT, and CHIEF GAUDETTE, directly ordered and/or participated in the arrest of Plaintiff without probable cause and/or failed to remedy the unlawful arrest when it was brought to his attention.

57. At all relevant times herein, CHIEF GAUDETTE had no authority to order and/or participate in the unlawful arrest of the Plaintiff.

58. As a direct and proximate result of the foregoing, the Plaintiff suffered mental anguish, humiliation, embarrassment, shame, fear and damage to his reputation.

59. As a direct and proximate result of the foregoing, the Plaintiff was required to attend to his legal defense and lost time from his work and suffered damage.

COUNT FIVE: INDEMNIFICATION

1-15. Paragraphs One through Fifteen of Count One are hereby incorporated as paragraphs One through Fifteen of Count Four as if fully set forth herein.

16-35. Paragraphs One through Nineteen of Count Two are hereby incorporated as paragraphs Sixteen through Thirty-Five of Count Four as if fully set forth herein.

36-54. Paragraphs One through Eighteen of Count Three are hereby incorporated as paragraphs Thirty-Six through Fifty-Four of Count Four as if fully set forth herein.

55-114. Paragraphs One through Fifty-Nine of Count Four are hereby incorporated as paragraphs Fifty-Five through One-Hundred-and-Fourteen of Count Five as if fully set forth herein.

115. The Defendant, CITY OF BRIDGEPORT, is liable to the Plaintiff for damages incurred as a result of the Defendants' actions, pursuant to *C.G.S.* Secs. 7-465 and 7-101a.

116. The Plaintiff served Notice of this Claim upon the City on July 16, 2014.

COUNT SIX: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1-15. Paragraphs One through Fifteen of Count One are hereby incorporated as paragraphs One Through Fifteen of Count Six as if fully set forth herein.

16. The Defendants, through their agents and employees, intentionally or recklessly engaged in extreme and outrageous conduct that has caused severe emotional distress to the Plaintiff in one or more of the following respects:

- a. In that they, through intentional or reckless means, illegally detained the Plaintiff;
- b. In that they failed to properly supervise the care provided for the Plaintiff; and
- c. In that they failed to train, educate, supervise, and monitor their employees, agents, servants and contractors.

17. As a direct and proximate result of the recklessness of the Defendants and their agents, servants and employees, the Plaintiff suffered mental anguish, humiliation, embarrassment, shame, fear and damage to his reputation.

18. As a direct and proximate result of the foregoing, the Plaintiff was required to attend to his legal defense and lost time from his work and suffered damage.

WHEREFORE, the plaintiff, KYLE HAMPTON, claims:

1. Money damages;
2. Reasonable Attorney's fees;
3. Such other and further relief which the court deems appropriate under the circumstances.

BY: 

BRENDAN J. KEEFE, ESQ.
Lynch, Traub, Keefe, & Errante, P.C.
Juris #34876

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STATEMENT OF AMOUNT IN DEMAND

The plaintiff claims compensatory damages in excess of the sum of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF,

BY: 

BRENDAN J. KEEFE, ESQ.
Lynch, Traub, Keefe, & Errante, P.C.
Juris #34876